

Letter to Certifying Agent

Dear XXXX Agent:

The Agricultural Marketing Service (AMS), National Organic Program (NOP), has asked that AMS Compliance and Analysis, NOP Compliance staff, monitor the implementation and application of the NOP regulations. Our duties will include investigating complaints we receive, coordinating with the USDA Office of General Counsel on legal issues, and monitoring the correct application of the NOP by producers, processors, and others.

To effectively perform our duties, it is essential that we establish and maintain good working relationships with all accredited Certifying Agents; therefore, I am writing this letter to you to tell you about the NOP Compliance role and how we plan to be involved in the NOP process.

We expect that NOP Compliance will receive complaints so we are developing processes for handling them. We plan to closely follow the regulations in this regard and will:

(1) refer complaints alleging violations of the NOP to the applicable State Organic Program (SOP) who may, in turn, refer the complaint to the applicable Certifying Agent; (2) in States without an approved SOP, refer complaints to the applicable Certifying Agent; (3) as appropriate, investigate allegations of violations of the Act by noncertified operations operating in States where there is no approved SOP; and (4) investigate any other issue as necessary. Additionally, we are required to investigate complaints against SOPs and certifying agents in states where there is no approved SOP.

As you know, the NOP was developed to facilitate domestic and international marketing of agricultural products that are organically produced and to assure consumers that such products meet consistent, uniform standards. The regulations identify the function of the Certifying Agent and it is clear that the role of the Agent is very important in guaranteeing success of the program.

NOP Compliance plans to be involved in many aspects of the NOP; however, our goal is not to interfere with the Agent's duties, but to assist and provide guidance as needed to increase the effectiveness of the NOP.

One of our most important functions will be to work with the Agents on issues where the Agent believes that a certified operation violated the Act by knowingly selling or labeling a product as organic, or violated the Act by making a false statement to the Secretary, the Agent, or a SOP official. When these types of violations occur, we want to work with the Agent and our attorneys to gather the needed information required by the Department to develop civil penalties, as applicable.

In coming months we will provide additional advice on various investigative and enforcement issues as well as solicit your advice on reporting guidelines. In the meantime, if you have questions concerning complaint processing or enforcement issues that arise, please contact us by e-mail, telephone, fax, or letter at the addresses listed below.

We are dedicated to doing the best job we can to ensure the regulations are implemented accurately and consistently. This should result in trust of the integrity of the program by producers and processors and confidence in the program by consumers who buy labeled organic products. We look forward to working with you.

Sincerely,

NOP Compliance Officer
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